

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PMC SPECIALTIES GROUP, INC.,

Plaintiff,

- against -

KINETIC INDUSTRIES, INC. and
JOHN DOE CORPORATION,

Defendants.
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O R D E R

09 CV 2977 (DGT)

On July 10, 2009, plaintiff PMC Specialties Group, Inc. filed this action against defendants Kinetic Industries, Inc. and John Doe Corp. seeking damages and equitable relief for intentional misrepresentation, tortious interference with economic relations, and tortious interference with prospective economic relations. Specifically, plaintiff claims that it is a domestic producer of the artificial sweetener saccharin, and is considered by the U.S. Department of Commerce ("DOC") to represent the "entire domestic industry." (Declaration of Todd A. Bromberg, dated July 14, 2009 ("Bromberg Decl."), ¶ 3). Plaintiff alleges that defendants have claimed in a communication to the DOC that they are domestic producers of saccharin and that these claims are "patently false" and intended to interfere with plaintiff's actual and prospective business relations. (Id. ¶¶ 6-7). Plaintiff requests expedited discovery from the defendants "in order to obtain timely and effective injunctive relief." (Id. ¶ 11).

Plaintiff requests the following expedited discovery: (1) responses to interrogatories seeking the identity of John Doe Corporation, certain information regarding the manufacturing process, importation, and sales of saccharin by each of the defendants, and certain information regarding the affiliations and communications of each of the defendants; and (2) production of certain documents relating to the defendants' production and sale of saccharin. (Id. Ex. A).

Having reviewed the Complaint, along with the Declaration of Todd A. Bromberg and the Memorandum of Law submitted by plaintiff on July 14, 2009 in support of its request for expedited discovery, the Court hereby Orders that:

Defendant Kinetic Industries show cause before this Court on **Friday, July 24, 2009, at 3:30 p.m.**, in Courtroom 13B South, U.S. District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY, why an order should not enter requiring Kinetic Industries to respond to the expedited discovery requests proposed by plaintiff; and

Any answering papers in response to plaintiff's request for expedited discovery shall be submitted to this Court by **Thursday, July 23, 2009, at 5:00 p.m.**; and

Plaintiff shall file an affidavit of service with the Court demonstrating proper service of its Complaint on defendant no later than **Friday, July 17, 2009, at 5:00 p.m.**; and

Personal service of a copy of this Order and the papers upon which it is based, upon the defendants on or before Thursday, July 16, 2009, at 5:00 p.m. shall be deemed good and sufficient service thereof.

SO ORDERED.

Dated: Brooklyn, New York
July 15, 2009


Cheryl L. Pollak
United States Magistrate Judge